

<p><b>FILED</b> CLERK, U.S. DISTRICT COURT</p> <p>June 22, 2017</p> <p>CENTRAL DISTRICT OF CALIFORNIA BY: <u>AB</u> DEPUTY</p>
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"REDACTED WITHOUT FOREPERSON'S SIGNATURE"

**UNITED STATES DISTRICT COURT**  
**CENTRAL DISTRICT OF CALIFORNIA**

MICHELLE CHRISTINA RIVERA,

Plaintiff,

vs.

COUNTY OF SAN DIEGO, SAN  
DIEGO SHERIFF DEPUTY FRANK  
LEYVA,

Defendants.

Case No. EDCV16-0795 PSG(KSx)

**SPECIAL VERDICT FORM**

1 We, the jury in the above-entitled cause, hereby make the following findings:

2 **Plaintiff's 42 U.S.C. Section 1983 claim:**

3 1. Has plaintiff Michelle Rivera proved by a preponderance of the evidence that  
4 defendant Frank Leyva used unreasonable force in arresting plaintiff Michelle Rivera?

5 \_\_\_\_\_ Yes

\_\_\_\_\_ ☒ No

6 *(If your answer to question 1 is "Yes," please answer question 2. If you answered*  
7 *"No," please answer question 3).*

8 2. Was the use of unreasonable force a substantial factor in causing Plaintiff  
9 Rivera's injury?

10 \_\_\_\_\_ Yes

\_\_\_\_\_ No

11 *(Regardless of your answer to question 2, answer question 3).*

12 **Plaintiff's CA Section 52.1 claim:**

13 3. Has the plaintiff Michelle Rivera proved by a preponderance of the evidence that  
14 she was subjected to unreasonable force accompanied by threats, intimidation or  
15 coercion?

16 \_\_\_\_\_ Yes

\_\_\_\_\_ ☒ No

17 *(If you answer "No" to both question 1 and question 3, sign and date the verdict*  
18 *form. If you answer "Yes" to question 3, answer question 4.)*

19 4. Was the use of unreasonable force a substantial factor in causing Plaintiff  
20 Rivera's injury?

21 \_\_\_\_\_ Yes

\_\_\_\_\_ No

22 *(Only answer question 5 if you answer "Yes" to question 1.)*

**Plaintiff's CA Section 51.7 claim:**

5. Was Leyva's perception of Rivera's sexual orientation a motivating reason for Leyva's unreasonable seizure?

\_\_\_\_\_ Yes \_\_\_\_\_ No

*(Answer question 6 only if you answered "yes" either question 2 or question 4).*

6. State the total amount of compensatory damages, if any, you award plaintiff Michelle Rivera:

\$ \_\_\_\_\_

*(Answer question 7 only if you answer "Yes" to question 1).*

7. Did defendant Frank Leyva act with malice, oppression or reckless disregard to the rights of plaintiff Michelle Rivera?

\_\_\_\_\_ Yes \_\_\_\_\_ No

*(If your answer to question 7 is "Yes," please answer question 8. If your answer to question 7 is "No," please sign and date this verdict).*

8. What amount of punitive damages, if any, do you award plaintiff Michelle Rivera?

\$ \_\_\_\_\_

DATED: 06/22/17

**REDACTED**